

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
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HEARING IMPAIRED: (415) 904-5200



F7a

February 24, 2005

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF CAPITOLA LCP AMENDMENT NO. CAP-MAJ-2-04 (Part A)**
CERTIFICATION REVIEW: Concurrence with the Executive Director's determination that the action of the City of Capitola accepting the Commission's certification of LCP Amendment No. CAP-MAJ-2-04 (Part A) is legally adequate. For Commission review at the meeting of March 18, 2004 in Newport Beach.

A. BACKGROUND

The Commission acted on City of Capitola LCP Amendment No. CAP-MAJ-2-04 (Part A) on December 9, 2004. The amendment included: 1) replacing Zoning Chapters 12.12 (Tree Planting – Public Property) and 12.16 (Tree Removal) with new Zoning Section 12.12 (Community Tree & Forest Management Ordinance), and; 2) adding secondary dwelling units as a principal permitted use in the R-1 (Single-Family Residence) zoning district. The amendment provides adequate goals and standards to provide for the protection of existing tree cover and for the enhancement and increase in tree cover in the City of Capitola, and provides for appropriate infill secondary dwelling unit residential development. The Commission rejected the amendment as submitted but certified the proposed amendment to the LCP if modified to eliminate the public hearing requirement for secondary dwelling units (per State law) and to amend the definition of secondary dwelling units to differentiate between attached and detached units.

B. EFFECTIVE CERTIFICATION

On January 27, 2005, the City Council of Capitola held a public hearing and acknowledged receipt of the Commission's resolution of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's LCP.



California Coastal Commission
March 18, 2005 Meeting in Newport Beach

Staff: SC Approved by:

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As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Capitola's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of City of Capitola LCP Amendment No. CAP-MAJ-2-04 (Part A) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the City of Capitola accepting the Commission's certification of City of Capitola LCP Amendment No. CAP-MAJ-2-04 (Part A) is legally adequate.

